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5 Attorneys for Defendant  
6 AXIS SURPLUS INSURANCE COMPANY

7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
10

11 CAPITOL SPECIALTY INSURANCE  
CORPORATION, a Wisconsin corporation, as  
12 assignee of UNITED CONSTRUCTION  
COMPANY,

13 Plaintiff,

14 v.  
15

16 STEADFAST INSURANCE COMPANY, a  
Delaware corporation; ARCH SPECIALTY  
INSURANCE COMPANY, a Missouri  
17 Corporation; RHP MECHANICAL SYSTEMS, a  
Nevada corporation; STATE NATIONAL  
18 INSURANCE COMPANY, INC., a Texas  
corporation; and AXIS SURPLUS INSURANCE  
19 COMPANY, an Illinois corporation,

20 Defendants.  
21

Case No.: 2:20-CV-1382-JCM-VCF

**STIPULATION AND  
ORDER TO DISMISS DEFENDANT AXIS  
SURPLUS INSURANCE COMPANY  
WITH PREJUDICE**

22 IT IS HEREBY STIPULATED by and between Plaintiff Capitol Specialty Insurance  
23 Corporation, as assignee of United Construction Company ("Plaintiff") and Defendant AXIS Surplus  
24 Insurance Company ("Defendant"), that Plaintiff's Second Amended Complaint filed against  
25 Defendant shall be dismissed with prejudice pursuant to FRCP 41(a)(2). Each party shall bear their  
26 own attorneys' fees and costs.

27 ///

1 Dated: February 16, 2023

PAYNE & FEARS LLP

2 By: /s/ Sarah J. Odia (with permission)

3 Scott S. Thomas, Esq.

4 Nevada Bar No. 7937

Sarah J. Odia, Esq.

5 Nevada Bar No. 11053

6385 S. Rainbow Blvd., Suite 220

Las Vegas, Nevada 89118

*Attorneys for Plaintiff / Counter-Defendant*

*CAPTIOL SPECIALTY INSURANCE*

*CORPORATION*

8 Dated: February 16, 2023

COZEN O'CONNOR

9 By: /s/ Michael W. Melendez

10 Michael W. Melendez

11 Nevada Bar No. 6741

COZEN O'CONNOR

3753 Howard Hughes Parkway, Suite 200

12 Las Vegas, NV 89169

*Attorneys for Defendant*

*AXIS SURPLUS INSURANCE COMPANY*

16 **ORDER**

18 IT IS ORDERED that Plaintiff's claims against Defendant AXIS Surplus Insurance Company  
19 in the matter, Case No. 2:20-cv-1382-JCM-VCF, is DISMISSED WITH PREJUDICE. Each party  
20 shall bear their own attorneys' fees and costs.

21 DATED: February 21, 2023

22   
23 JAMES C. MAHAN  
24 UNITED STATES DISTRICT COURT  
25 JUDGE

**CERTIFICATE OF SERVICE**

I am employed in the County of Clark, State of Nevada. I am over the age of 18 years and not a party to the within action; my business address is Cozen O'Connor, 3753 Howard Hughes Parkway, Suite 200, Las Vegas, Nevada 89169.

On February 16, 2023, I served true copies of the following document(s):

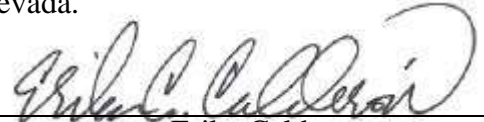
**STIPULATION AND [PROPOSED] ORDER TO DISMISS DEFENDANT AXIS SURPLUS INSURANCE COMPANY WITH PREJUDICE**

on the interested parties in this action as follows:

☒ **(BY ELECTRONIC SUBMISSION):** via the United States District Court's Electronic Filing Program on the designated recipients via electronic transmission through the CM/ECF system on the Court's website. The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document(s). Registration as a CM/ECF user constitutes consent to electronic service through the court's transmission facilities.

☒ **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct, and that I am employed at the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 16, 2023, at Las Vegas, Nevada.



Erika Calderon  
An employee of Cozen O'Connor